

Minutes of a Regular Meeting

Town of Los Altos Hills PLANNING COMMISSION

THURSDAY, May 4, 2006, 7:00 p.m.
Council Chambers, 26379 Fremont Road
cc: Cassettes (2) #6-06

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

The regular meeting of the Planning Commission was called to order at 7:00 p.m. in the Council Chambers at Town Hall.

Present: Chairman Cottrell, Commissioners Carey, Kerns, Collins & Clow

Staff: Carl Cahill, Planning Director; Debbie Pedro, Senior Planner; Brian Froelich, Assistant Planner; Leslie Hopper, Project Planner; John Chau, Assistant Engineer; Victoria Ortland, Planning Secretary

2. PRESENTATIONS FROM THE FLOOR-none

3. PUBLIC HEARINGS

- 3.1 LANDS OF LUND, 13826 Templeton Place (197-05-ZP-SD); A request for a Site Development Permit for a detached accessory structure that consists of a 400 sq. ft. garage and a 160 sq. ft. storage area (maximum height: 26'11") and landscape screening. CEQA Review: Categorical Exemption per Section 15303(e) (staff-Debbie Pedro).

Commissioner Carey recused himself from this item because his residence is within 500 feet of the property.

Debbie Pedro, Senior Planner presented the staff report. A two story residence with a basement was approved in 2002 and is currently under construction. A permit modification was approved in 2004 to reconfigure the driveway, move the two outdoor parking spaces to the upper portion of the site and reorient the home approximately 30 degrees to the east. The applicant is currently requesting to convert the two outdoor parking spaces into a two car garage with a 160 square foot storage room below. The as-built grading that currently exists on the property does not conform with the approved plans from 2004. Approximately 370 cubic yards of dirt on the north and east slopes of the proposed garage will need to be removed. The applicant has indicated that he will be removing this fill prior to final inspection of the new residence. A grading exception is being requested for several areas. The first area was the driveway, which would require 3-5 feet of fill and covers approximately 400 square feet of area. The second area was the front portion of the garage, which covers approximately 200 square feet of floor area that will have between 3 to 8.7 feet of fill over the existing grade. Finally, approximately 400 square feet of outdoor area south of the proposed garage will have fill between 3 to 7 feet. The downhill

neighbor, Mr. Lee, of Templeton Place, has expressed concern about privacy and view impacts that will result from the proposed garage. The applicant is proposing twenty-eight (28) 24-inch box trees planted around the perimeter of the property and eight (8) trees around the buildings to screen the house and garage. If the Planning Commission approves the applicant's request, Staff is recommending the required planting of 6 larger evergreen trees with the minimum dimension of 15 feet tall by 8 feet wide. A number of letters have been received regarding the project; one opposing, eight supporting and one supporting with a condition for a thirty day delay for neighbors to review the landscape plan.

Commissioner Kerns asked about condition number 4 regarding the grading compliance. Debbie Pedro explained that if the Commission denies tonight's request for the grading exception, the applicant must restore the grading back to the 2004 level. If approved, clarification can be made either to follow the approved 2004 plans or the 2006 plans.

OPENED PUBLIC HEARING

Mr. Craig Lund, applicant, gave a presentation explaining his project including the grading exceptions requested and proposed landscape screening.

Chairman Cottrell asked if fill is proposed for the driveway. Debbie Pedro stated that 3 to 5 feet of fill was already in the existing driveway and which comprises the grading exception request.

Commissioner Collins questioned the elevation of the parking pad and a clarification on the grading exception of 1 to 1.5 feet. John Chau, Assistant Engineer, explained the differences in the Town's grading policy, the approved and proposed plans including the grade of the parking pad and garage.

Commissioner Clow asked about the landscaping that was proposed between the garage and Mr. Lee's back yard. Mr. Lund stated that there are established trees in that area and more trees and shrubs are proposed to shield Mr. Lee's view of his property.

Mr. Ken Lee, Templeton Place, explained the changes in the appearance of the property without the retaining walls and flat area. He expressed that the existing grading and proposed plan exceeds the Town's grading policy and the proposed garage will be higher. He was concerned that the proposed trees would not grow quickly enough to screen the project. Mr. Lee wanted the profile of the garage lowered but preferred the original approved project plan.

Mrs. Winnie Lee, Templeton Place, objected to the garage placement, height and her loss of privacy. She wanted the approved plan to be followed.

Sandra Humphries, Environmental Design Committee, wanted to caution the applicant on the use of Redwood trees because of the eventual height.

Mr. Lund, applicant, responded to Mr. and Mrs. Lee regarding the retaining wall removal and the elimination of the window on the north side of the garage. Lowering the garage to 14 feet instead of 17 feet was offered as a mitigating solution to the height issue.

CLOSED PUBLIC HEARING

Commissioner Kerns commented that he was not opposed to building the garage but was concerned that the as-built grading did not conform to the September 2004 approved plan and was done without the Town's approval. The driveway, curbs and flat area of the current garage are there already and if the additional two car garage were lowered it could create problems in the way of entry into the existing garage. The applicant's reasoning for the grading was understood but Town approval should have been granted before grading was completed. Proceeding with grading and then asking for permission after the fact may set a precedent. The grading on the back of the house and the side of the garage exceeds the Town's grading policy and the policy shouldn't be deviated from unless there is a good reason. Kerns would approve the garage as is with the grading lowered to match the approved plan of 2004.

Commissioner Collins expressed concern that the fill was done before approval. She stated that the driveway grading exception doesn't affect anyone and the proposed trees will provide screening in time. Collins asserted that the 2004 approved plan needed to be conformed with. Collins suggested moving the garage toward the house and farther away from the Lee's property. She explained that exceptions to the grading policy are granted to make a structure less visible and the garage seems to become more visible with this grading exception. Collins does not support the two story garage.

Commissioner Clow commended Debbie Pedro for her effort on this project. Clow met with Mr. Lund, the applicant, Chris Vargas, neighbor, Mr. Lee, neighbor, Carl Cahill, Planning Director and Debbie Pedro, Senior Planner, regarding the project. The garage is legal and the grading and driveway does not seem to impact the neighbors. He supports the project and requests landscaping to screen the garage.

Chairman Cottrell reported that he met with Mr. Lee, neighbor, on his property. Cottrell expressed concern that the grading does not meet the September 2004 plan and the garage appears too high. The property needs to be graded to meet the 2004 plan, with the exception of the driveway, the garage should be brought down three feet and the landscaping proposed by staff with the additional trees was supported.

MOTION SECONDED AND CARRIED: Motion by Commissioner Kerns, seconded by Commissioner Clow and passed unanimously to approve the driveway grading as built; Lands of Lund, 13826 Templeton Place.

This approval is subject to a 22 day appeal period.

The Commissioners proceeded to discuss the remaining grading. Grading on left side of garage is to be taken down to conform to the Town policy which is less than what is on the September 2004 plan.

MOTION SECONDED AND PASSED: Motion by Commissioner Kerns, seconded by Commissioner Collins and approved by the following roll call vote to approve the site development permit subject to the recommended conditions of approval in Attachment 1 with the following exceptions; that the flat area to the right of the garage be taken down to conform to the grading policy; the garage to remain at the level as proposed 228.7 but that the height be lowered to no more than 14'; and to move the garage 5' closer to the house; Lands of Lund, 13826 Templeton Place.

AYES: Chairman Cottrell, Commissioners Clow, Collins and Kerns
NOES: None

This approval is subject to a 22 day appeal period.

- 3.2 LANDS OF ASKARI, 27861 Natoma Road (160-05-ZP-SD-GD); A request for a Site Development Permit and Grading Policy exception for a new 9,906 square foot two story residence and a new driveway. The Grading Policy Exception would allow a 200 square foot portion of floor area to be six and a half feet above existing grade. The applicant proposes an Open Space Easement along Matadero Creek to be dedicated to the Town. CEQA Review: Categorical Exemption per Section 15303. (staff-Brian Froelich).

Brian Froelich, Assistant Planner, presented the staff report. The 2.95 acre property was required to dedicate a 30 foot path width to the right of way that takes the net area of the property down to 2.2 acres. A 9,906 square foot new residence was proposed and a new driveway, front porch and patio. The entire proposal complied with all height, setback, development area and floor area standards. Other site features include six heritage oak trees and Matadero Creek that runs along the property boundary opposite Natoma Road. The application proposed a grading policy exception for a 200 square foot of finish floor in the residence to be 3 feet above existing grade. The General Plan map has an open space and conservation area that intersects the property generally following Matadero Creek. The applicant worked with staff and the Open Space Committee and offered an Open Space Easement that followed the creek and included the five heritage oaks. An additional Condition of Approval is presented tonight regarding Eucalyptus trees on the property along Natoma Road. During winter storms the Town did emergency clean-up and cutting of the trees. The balance of that bill is requested to be paid before acceptance of plans for building plan check.

Chairman Cottrell commented that he went to the property and was unable to gain access because of a locked gate.

Planning Director Carl Cahill replied that the Planning Commission had the authority to continue the hearing until a time when the property could be accessed.

Commissioner Carey questioned Brian Froelich as to whether staff was recommending removal of all the Eucalyptus trees along Natoma Road as a condition of approval. Brian Froelich replied in the positive.

Commissioner Collins concluded that the Eucalyptus trees should be removed.

OPENED PUBLIC HEARING

Adam Askari, applicant, discussed the Eucalyptus trees, the safety reasons for the construction fence and the rational for the grading exception.

Commissioner Clow suggested an alternative way of using floor area below the entry to address the grading exception that would eliminate the need for the request.

Commissioner Carey questioned Mr. Askari about the Eucalyptus tree bill. The applicant explained there is pending litigation regarding previous issues with the Eucalyptus trees that delayed payment of the bill. He would pay the bill as a required condition of approval.

Pauline Navarro, Melody Lane, had concerns about the easement and asked for clarification about public access on an open space easement.

Ken Goldman, Melody Lane, commented on the Eucalyptus trees on Natoma Road and the safety concerns regarding these trees. He was assured that as a condition of approval for the project the trees were required to be removed.

Bob Russ, Melody Lane, supported the project, encouraged the removal of the Eucalyptus trees and did not support a pathway on the property.

CLOSED PUBLIC HEARING

Commissioner Clow supported the removal of the Eucalyptus trees and the use of extra floor area instead of supporting the grading exception.

Commissioner Collins concurred with Commissioner Clow.

Commissioner Carey supported the grading exception or the use of extra floor area. The Eucalyptus trees should be recommended for removal but not required.

Commissioner Kerns supported the grading exception request or the use of extra floor area and the removal of the Eucalyptus trees.

Chairman Cottrell supported the project with the grading exception or the extra floor area and the Eucalyptus trees should be removed.

MOTION SECONDED AND PASSED: Motion by Commissioner Collins, seconded by Commissioner Kerns and approved by the following roll call vote to approve the requested site development permit and grading policy exception for the new residence subject to the conditions and the addition of condition 3a; Lands of Askari, 27861 Natoma Road.

AYES: Chairman Cottrell, Commissioners Cary, Kerns, Collins and Clow

NOES: None

This approval is subject to a 22 day appeal period.

3.3 AMENDMENTS TO THE TOWN'S ZONING AND SITE DEVELOPMENT ORDINANCE WITH REGARD TO HIGHLY VISIBLE LOTS (Section 10-2.702. Siting) New standards are established regarding the configuration of structures on ridgelines, hilltops, and hillside lots. Flat-roofed portions of structures are limited to 22 feet in height. CEQA Review: Categorical Exemption per Section 15061(b) (staff-Leslie Hopper).

The staff report was presented by Leslie Hopper, Project Planner. The Ad Hoc Planning Committee concluded there was a lack of workable criteria that could define Highly Visible Lots and suggested a shift in focus to the configuration of structures on hillsides and ridgelines. The ordinance has been reorganized and the standards clarified and strengthened with one addition. The new standard sets a maximum height of 22 feet of any portion or any flat roofed portion of a structure that is on a ridgeline, hilltop or hillside lot.

Planning Director, Carl Cahill stated that the development standards 3, 4, 5 and 6 are intended to be mandatory.

Commissioner Kerns had concerns with hillside property development and the lack of a definition or objective measure for what is a highly visible lot and the affect it would have for requiring single story residences.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Motion by Commissioner Carey, seconded by Commissioner Clow and passed by the following roll call vote to forward the recommendation to the City Council to adopt the proposed amendment to the Highly Visible Lot provisions in the site development ordinance.

AYES: Chairman Cottrell, Commissioners Carey, Collins and Clow

NOES: Commissioner Kerns

This item will appear on a future City Council agenda.

3.4 AMENDMENT TO THE ZONING ORDINANCE WITH REGARD TO BASEMENTS. (Section 10-1.208) CEQA Review: Categorical Exemption per Section 15308 (staff-Brian Froelich).

Brian Froelich, Assistant Planner presented the staff report. This clarification of the Basement Ordinance changed the criteria for exempting floor area. The current ordinance states basements with a ceiling lower than adjoining grade are exempt. The proposed ordinance ties the exemption

to the finished floor above the basement to the adjoining grade.

OPENED PUBLIC HEARING

CLOSED PUBLIC HEARING

MOTION SECONDED AND CARRIED: Motion by Commissioner Kerns, seconded by Commissioner Clow and passed by the following roll call vote to forward a recommendation to the City Council to approve the proposed amendment.

AYES: Chairman Cottrell, Commissioners Clow, Carey, Kerns and Collins
NOES: None

4. OLD BUSINESS-none

This item will appear on a future City Council agenda.

5. NEW BUSINESS

- 5.1 ESTATE HOMES, Proposed ordinance recommended by the Ad Hoc Planning Committee defines “estate homes” and addresses the calculation of floor area, setbacks and the approval process for estate homes. (staff-Leslie Hopper).

The staff report was presented by Leslie Hopper, Project Planner. She explained the Ad Hoc Planning Committee felt that proposed homes of 10,000 square feet or more should be considered “Estate Homes” and follow special requirements because of size. This was to insure that the homes are developed to be compatible with the rural character of the community and the impact is minimized. Estate homes did not qualify for the Fast Track process. Planning Commission must review estate homes and make specific findings before approval.

Discussion ensued regarding the size, height, setback and landscape screening requirements for estate homes.

A consensus was reached that the ordinance be returned to staff to work with Commissioners Clow and Carey to develop a recommendation regarding setbacks and heights for estate homes to be presented at a later date to the Planning Commission.

6. REPORT FROM THE CITY COUNCIL MEETING

- 6.1 Planning Commission Representative for April 13th-Cancelled
- 6.2 Planning Commission Representative for April 27th-Commissioner Collins
- 6.3 Planning Commission Representative for May 11th-Commissioner Clow
- 6.4 Planning Commission Representative for May 25th-Chairman Cottrell

7. APPROVAL OF MINUTES

7.1 Approval of April 6, 2006 minutes.

Passed by consensus: To approve the April 6, 2006 minutes

8. REPORT FROM FAST TRACK MEETING-April 25, 2006

8.1 LANDS OF FERRARI, Altamont Road, APN# 182-17-045 and 25860 Altamont Road (231-05-LLA); A request for a Lot Line Adjustment. (staff-Debbie Pedro). Approved with Conditions.

8.2 LANDS OF LEUNG, 27168 Moody Court (33-06-ZP-SD); A request for a Site Development Permit to construct a 747 sq. ft. addition over an existing carport. (Maximum Height: 25') (staff-Debbie Pedro). Approved with Conditions.

9. REPORT FROM SITE DEVELOPMENT MEETING- APRIL 11 AND APRIL 18, 2006

9.1 LANDS OF CRAFTORD (15-06-ZP-SD); A Site Development Hearing for a 898 sq. ft. first and second story addition (maximum height: 24') (staff-Debbie Pedro). Approved with Conditions.

9.2 LANDS OF BLAIR, 27161 Fremont Road (40-06-ZP-SD); A Site Development Hearing for a landscape screening and erosion control plan as required per project conditions for the new residence, second unit, and cabana totaling 9,980 square foot (height-27 feet). The proposal includes perimeter screening and native riparian species near Barron Creek. The new residence was approved June 4, 2002 (staff-Brian Froelich). Approved with Conditions.

9.3 LANDS OF WOO, A request for a Site Development Permit for a 407 square foot interior addition (crawl space conversion) and remodel. CEQA Review: exempt per 15301 (e) (staff-Brian Froelich). Approved with Conditions.

10. ADJOURNMENT

The meeting was adjourned by consensus at 9:42 p.m.

Respectfully submitted,

Victoria Ortland
Planning Secretary